



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Frank H. Portugal, *et al.*

Serial No.: 09/027,439

Filed: February 20, 1998

For: Compositions and Methods for
Differentiating Among *Shigella*-
Species and *Shigella* from *E. Coli*
Species

JUN 22 1998

MAITEX COMMUNITIES
SERVICE CENTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Examiner: Not Yet Assigned

Group Art Unit: 1643

Attorney Docket No.: 044198.0000

CERTIFICATE OF MAILING
37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231, on the date below:

June 8, 1998
Date

Gloria L. Norberg
Gloria L. Norberg

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicants submit herewith patents, publications or other information which may be material to the patentability of claims of this application and for which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)(h)), or as an admission that the information cited is, or is considered to be, material to patentability.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

Form PTO-1449 (2 pages) is enclosed herewith. Copies of references A1-A8, and C1-C16 are provided herewith. The present application claims priority to U.S. provisional application SN 60/038,117, filed February 20, 1997

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. §1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Assistant Commissioner is hereby authorized to deduct said fee from Akin, Gump, Strauss, Hauer & Feld, L.L.P. Deposit Account No. 01-0660/044198.0000.

It is respectfully requested that this Information Disclosure Statement and the documents listed on attached Form PTO-1449 be considered by the Examiner, be made a part of the official record, and be cited in the issued patent.

Respectfully submitted,



Gloria L. Norberg
Reg. No. 36,706
Agent for Applicants

Dated: June 8, 1998

Akin, Gump, Strauss, Hauer & Feld, L.L.P.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 499-6200